

ESTTA Tracking number: **ESTTA616473**

Filing date: **07/18/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058763
Party	Plaintiff John Wayne Enterprises, LLC
Correspondence Address	LINDSAY J HULLEY RUTAN & TUCKER LLP 611 ANTON BLVD STE 1400 COSTA MESA, CA 92626 UNITED STATES lhulley@rutan.com, trademarks@rutan.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Lindsay J. Hulley
Filer's e-mail	lhulley@rutan.com, trademarks@rutan.com, bigrosies@comcast.net
Signature	/Lindsay J. Hulley/
Date	07/18/2014
Attachments	WILD GOOSE CAFE Candellation - Motion for Extension with Consent.pdf(73476 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JOHN WAYNE ENTERPRISES, LLC,

Petitioner,

v.

EUGENE AND MARIA MANDARINO,

Respondents.

Cancellation No.: 92058763

Registration No.: 3,539,584

For the trademark: WILD GOOSE CAFE &
design

**MOTION FOR AN EXTENSION OF
DISCOVERY AND TRIAL PERIODS
WITH CONSENT**

Pursuant to the Board's order, dated May 9, 2014, the proceedings in this matter resumed on July 7, 2014 and discovery opens on July 21, 2014. The parties, petitioner John Wayne Enterprises, LLC ("Petitioner") and respondents Eugene and Maria Mandarino ("Respondents") request that the opening of discovery be extended for 60 days, or until September 19, 2014, and that all subsequent dates be reset accordingly.

The parties are engaged in fruitful settlement negotiations and the parties seek this extension in aid thereof. The parties agreed by email communication on July 18, 2014 to file the present motion. This stipulation is being filed as a "general filing" because the automated ESTTA system does not allow for an extension of the opening date for Discovery, which currently begins on July 21, 2014. As grounds in support of this motion, the Parties are engaged in settlement discussions and require additional time to determine whether settlement is possible in this proceeding.

The parties respectfully request that the Board grant this motion to extend and reset all discovery and trial deadlines and adopt the following schedule:

Discovery Opens:	09/19/2014
Initial Disclosures:	10/19/2014
Expert Disclosures:	12/21/2014
Discovery Period closes:	01/20/2015

Plaintiff's Pretrial Disclosures:	03/06/2015
Plaintiff's 30-day Trial Period ends:	04/20/2015
Defendant's Pretrial Disclosures:	05/05/2015
Defendant's 30-day Trial Period ends:	06/19/2015
Plaintiff's Rebuttal Disclosures:	07/04/2015
Plaintiff's 15-day Rebuttal Period ends:	08/03/2015

Respectfully submitted,

Dated: July 18, 2014

By: /Lindsay J. Hulley/
Lindsay J. Hulley
Rutan & Tucker, LLP
611 Anton Boulevard, Suite 1400
Costa Mesa, California 92626
Telephone: (714) 641-5100
lhulley@rutan.com
Attorneys for Petitioner,
John Wayne Enterprises, LLC

Dated: July 18, 2014

By: /Maria Mandarino/
Maria Mandarino
100 East Lake Shore Drive
Round Lake Park, Illinois 60073
bigrosies@comcast.net

Dated: July 18, 2014

By: /Eugene Mandarino/
Eugene Mandarino
100 East Lake Shore Drive
Round Lake Park, Illinois 60073
bigrosies@comcast.net

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is one of the attorneys for Petitioner John Wayne Enterprises, LLC, in the above-captioned Cancellation proceeding and that on the date which appears below, she caused a copy of the foregoing MOTION FOR AN EXTENSION OF DISCOVERY AND TRIAL PERIODS WITH CONSENT to be served on the following by email service, pursuant to agreement between the parties:

Respondent:

Eugene and Maria Mandarino
100 East Lake Shore Drive
Round Lake Park, Illinois 60073
bigrosies@comcast.net

Dated: July 18, 2014
Costa Mesa, California

/Lindsay J. Hulley/
Lindsay J. Hulley